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OFFICE OF PETITIONS

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In re Patent No. 7,531,651 : DECISION ON REQUEST FOR
Cook et al. : RECONSIDERATION OF
Issue Date: May 12, 2009 : PATENT TERM ADJUSTMENT AND
Application No. 10/509,521 : NOTICE OF INTENT TO ISSUE
Filed: June 10, 2005 : CERTIFICATE OF CORRECTION
Attorney Docket No. PG4793USW :

This is a decision on the petition filed on July 13, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred thirty-six (936) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED** to the extent that the term of the above-identified patent is extended or adjusted by one thousand six (1,006) days¹.

The "B" delay period is 592 days, not 336 days as stated by patentee. The priority date of this application is March 28, 2002. As the requirements for early commencement were not met, the national stage commenced in this application on September 28, 2004. Thus, "B" delay is 592 days, counting the number of days beginning on September 29, 2007, and ending on May 12, 2009, the date of issuance. See 37 CFR 1.703(b). Furthermore,

¹ 600 days of "A" Delay + 592 days of "B" delay - 186 days of overlap = 1,006 days of Patent Term Adjustment

the periods overlap by 186 days (September 29, 2007 - April 1, 2008).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentee is given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand six (1006) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,531,651 B2

DATED : May 12, 2009

DRAFT

INVENTOR(S) : Cook et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 600 days

Delete the phrase "by 600 days" and insert – by 1006 days--